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OFFICE OF PETITIONS

In re Patent No. 7,476,511 :
Issue Date: October 23, 2007 :
Application No. 10/761,150 :
Filed: January 20, 2004 :
Attorney Docket No. 1379-1-022 :

ON PETITION

This is a decision on the petition filed March 16, 2009, which is being treated as a petition under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a certificate of correction.

The petition is **DISMISSED**.

Petitioner requests to correct the assignee's name by way of a certificate of correction in the name of "Consejo Superior De Investigaciones Cientificas".

Petitioner has stated in the instant petition that the mistake is the Office's fault. However, the assignment data printed on the patent is based solely on the information so supplied on the Issue Fee Transmittal form (PTOL-85(b) item 3. **See MPEP § 307.** In this instance the assignee data on the Issue Fee Transmittal form (PTOL-85(b)) differs from that in the assignment as recorded on June 23, 2004, Reel 015491 and Frame 0893. As the assignee information on the patent corresponds to that on the Issue Fee Transmittal form (PTOL-85(b)), the error is not the Office fault, as alleged in the instant petition. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

Petitioner should note in order to have the desired assignee data included by way of a certificate of correction, the procedure set forth in 37 CFR 3.81(b) should be followed.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected

to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. See *also* MPEP 1481.01.

Telephone inquiries concerning this decision on petition should be directed to undersigned at (571) 272-4584.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', with a long horizontal line extending to the right.

JoAnne Burke
Petitions Examiner
Office of Petitions